

Applicant : Pedro Stange et al
Serial No. : 10/565,249
Filed : June 27, 2006
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Attorney's Docket No.: 02894-0742US1 / 06771

Amendments to the Drawings:

The attached replacement sheet of drawings includes changes to Figs. 1 and 2 and replaces the original sheet including Figs. 1-4.

In Figs. 1 and 2, Applicants have added pressure pin 23 to the figures.

Attachments following last page of this Amendment:

Replacement Sheet (1 page)

REMARKS

Applicants have amended claims 21, 30, and 40, and added new claim 46. Claims 1-20, 26, and 32 are canceled, without prejudice. Claims 21-25, 27-31, and 33-46 are presented for examination. Favorable reconsideration is respectfully requested.

Objections to the Drawings

The drawings were objected to under 37 C.F.R. § 1.83(a). According to the Office action “the ‘pressure pin’ must be shown or the feature(s) canceled from the claim(s).” In Figs. 1 and 2, Applicants have amended Figs. 1 and 2 to include pressure pin (23). Applicants request reconsideration and withdrawal of the objection to the drawings in view of the amendments to the figures.

Claim Rejections – 35 USC § 103

Claims 21, 22, 27, 28, 30-31, 33, 34, and 38-45 were rejected as being unpatentable over U.S. Patent No. 4,229,813 (Lilly) in view of U.S. Patent No. 4,802,255 (Breuer). Claims 23, 25, 35, and 37 were rejected as being unpatentable over Lilly in view of Breuer in further view of U.S. Patent No. 6,916,116 (Diekmann). Claims 24 and 36 were rejected as being unpatentable over Lilly in view of Breuer in further view of U.S. Patent No. 7,294,379 (Ko). Claim 29 was rejected as being unpatentable over Lilly in view of Breuer and further in view of U.S. Patent No. 4,911,038 (Ferrin).

As shown above, Applicants have amended claim 21 to recite “allowing the liquid to migrate along a length of the display surface from the first portion to the second portion, causing the dye to dissolve in the liquid; and then diffusing the dye along the length of the display surface from the second portion toward the first portion.” In view of these amendments, withdrawal of the art rejections is respectfully requested.

In this regard, the Office Action apparently equates the capillary strip 8 of Lilly, Fig. 1, to the indicator strip of the claims.¹ Lilly's strip includes an ink along a back side of the capillary strip, while a front side of the strip is unprinted.² A frangible ampul carrying liquid (i.e., silicone oil) is provided for wetting the bottom of the strip.³ According to Lilly, when the silicone oil comes into contact with the dye, the oil carries the dye from the back of the strip to the front, thus a color front moves up the strip due to capillary action of the silicone moving up the strip and pulling the dye out of the back side of the strip.⁴ Thus, it would seem that, with Lilly's strip, movement of the color front and movement of the silicone oil along the length of the strip occur substantially concurrently.

Contrary to this, with the claimed configuration, the liquid first migrates along a length of the display surface before contacting the dye, and only then (i.e., after the liquid has already migrated along the length of the display surface) does the dye diffuse back along the length of the display surface from the second portion toward the first portion. This can help to provide for relatively longer time-based diffusion and a comparatively sharper dividing line between the diffusing dye and the remainder of the indicator strip.

Breuer relied on for teaching "timing the shelf-life of a toothbrush," does not remedy the deficiencies of Lilly discussed above.⁵ Accordingly, even if Breuer were combined with Lilly in the manner suggested by the Office action, the resulting hypothetical combination would fail to disclose or to suggest the foregoing features of the claims.

The remaining art does not cure the deficiencies of Lilly and Breuer discussed above. Accordingly, claim 1 is believed to be patentable.

As shown above, Applicants have amended independent claim 30 to cover a display device for a toothbrush that includes, *inter alia*, "a display surface extending between the first

¹ See Office action of November 7, 2008 at page 3.

² See, e.g., Lilly at col. 3, lines 23-26.

³ See, e.g., id. at col. 2, line 50-col. 3, line 10.

⁴ See, e.g., Lilly at col. 4, lines 53-57.

⁵ See, e.g., Office action of November 7, 2008 at page 5.

and second portions, wherein the indicator strip is configured to diffuse the liquid from the first portion toward the second portion and subsequently form a line of demarcation along the display surface.” Similarly, claim 40, as amended, covers a toothbrush that includes “a display surface extending between the first and second portions, wherein the indicator strip is configured to diffuse the liquid from the first portion toward the second portion and subsequently form a line of demarcation along the display surface to indicate elapsed time.” Accordingly, independent claims 30 and 40 are believed to be patentable for substantially the same reasons as set forth above with regard to claim 1. More specifically, as discussed above, none of the applied references disclose an indicator strip that is configured such that liquid is first diffused along a length of a display surface from a first end to a second, opposite end that includes a dye, and subsequently (i.e., after the liquid has diffused the length of the display surface) forming a line of demarcation along the display surface. Accordingly, independent claims 30 and 40 are believed to be patentable.

Each of the dependent claims is believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim, in light of the foregoing amendments, and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

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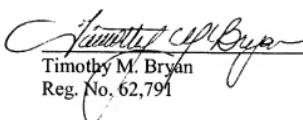
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The fee in the amount of \$490 for the extension of time is being paid concurrently herewith. Please apply any other charges or credits to deposit account 06 1050, referencing attorney docket no. 02894-0742US1.

Respectfully submitted,

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Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945



Timothy M. Bryan
Reg. No. 62,791